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# PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

NVIDP376/P002188

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on May 30, 2006

Signature

Typed or printed name Erica L. Farlow

Application Number

09/902,929

Filed

07/10/2001

First Named Inventor

W. Bokhari et al.

Art Unit

2173

Examiner

Roswell, M.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REMARKS

The Examiner has rejected Claims 1, 3, 4, 9, 10-13, 18-22, 27, 38 and 40 under 35 U.S.C. 103(a) as being anticipated by Firepad FireViewer Suite User's Guide (Firepad) in view of "Palm Programming" by Glenn Bachmann (Bachmann). Applicant respectfully disagrees with such rejection.

With respect to at least a portion of the independent claims, the Examiner has relied upon pages 21-23 in Firepad to make a prior art showing of applicant's claimed technique for "allowing organization of the content; allowing formatting of the content; allowing creation of a link to content; allowing addition of text for output on the wireless device; outputting a preview of a display screen of the wireless device, the preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other" (see Claim 1, for example).

Applicant respectfully asserts that the Examiner's argument that the Firepad excerpt discloses the organization of the content being "performed automatically by the FireViewer of pp. 21-23 that allows selection and viewing of content by content type" is erroneous on several points.

First, what is disclosed in Firepad at pp. 21-23 is not really *allowing* organization of the content. Rather, it appears that icons for the various content items (image, hypertext document, video) appear to the left on the Main View. In the images example, images are indicated by a flame icon to the left on the Main View. Page 21 of Firepad suggests that the user can select an image by tapping and releasing the image name from the Main View. In the hypertext documents example, documents are indicated by a document icon to the left on the Main View. The user can select a document by tapping and releasing the document name from the Main View, as disclosed on page 22 of Firepad. In the videos example, videos are indicated by a document icon to the left on the Main View. Per page 23 of Firepad, the user can select a video by tapping and

releasing the video name from the Main View. Thus, the icons are present on the Main View, but Applicants have been unable to find any indication that Firepad allows anyone or anything to organize the icons, much less the content. Rather, it appears that the icons are merely present to the left of the Main View in no particular order, and there is certainly no disclosure or suggestion that the content represented by the icons are organized in a manner where someone or something has been *allowed* to organize them.

Second, the rejection appears to insinuate that because a user can view content by content type, then FireViewer must somehow organize the content by content type. Again, as mentioned above, the content is represented by icons on the left of the Main View. No organization of the content is suggested. The type of content is indicated by the type of icon. However, the mere fact that a user can open a document by selecting a document icon does not mean that the content is organized in any particular manner.

Third, assuming *arguendo* that FireViewer does in fact *automatically* organize the content as stated in the rejection, then it cannot be said that FireViewer *allows* organization of the content as required by the claim. Rather, by automatically organizing the content, FireViewer in actuality would not *allow* organization of the content, it would simply do it.

Fourth, the section of Firepad cited in the rejection to anticipate the requirement of allowing organization of content discusses FireViewer, which is resident on the device, not on a management screen as claimed.

Fifth, nowhere does Firepad or Bachmann teach or suggest that once someone or something is *allowed* to organize the content, the content *as organized* is shown on a preview of a display screen of the device.

Finally, even if Bachmann's preview capabilities were added to Firepad, the combination would still not meet the claims, because FireViewer is unable to depict organized and formatted textual and graphical content simultaneously on one screen.

In the Advisory Action mailed 04/19/2006, the Examiner argued that ‘Firepad p.22 discloses “the options to change the image’s category and set the image as private,” as well as renaming a hypertext document.’ The Examiner continued to argue that “[t]hese actions are organizational actions, and therefore allow Firepad users to organize content.” However, applicant respectfully asserts that the “options to change the image’s category and set the image as private” merely refer to the image details. Firepad discloses on page 22 that “[t]he Image Details dialog box presents information about the image such as the Width, Height, Size and Type.” Applicant asserts that merely setting such image details simply fails to suggest the technique for “allowing organization of the content” (emphasis added), as claimed by applicant.

Further, in the Advisory Action mailed 04/19/2006, the Examiner argued that “Firepad teaches the ability to convert hypertext documents, which are notoriously well-known in the art to include both graphical and textual information.” Applicant respectfully disagrees with this assertion, especially in view of the specific context of applicant’s claim language. First, in the Office Action mailed 01/30/2006, the Examiner admitted that “Firepad fails to explicitly teach a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the screen of the wireless device relative to each other.” Further, applicant agrees that the cited excerpts from the Firepad reference simply fail to even suggest a “preview including both textual and graphical content simultaneously” (emphasis added), as claimed by applicant.

In addition, pages 38-39 from Bachmann merely disclose the Palm OS Emulator, POSE. Applicant respectfully asserts that POSE allows for “emulation of the Palm OS... so you can run, test, and debug your application without downloading it to a Palm device.” However, emulating the Palm OS ROM with POSE simply fails to even suggest “a preview including both textual and graphical content simultaneously” (emphasis added), as claimed by applicant.

Further, the Examiner has rejected Claims 2, 28, 29, 32, 34, 35 and 40 under 35 U.S.C. 103(a) as being unpatentable over Firepad in view of Bachmann and in yet further view of Martin (U.S. Patent No. 6,610,105).

With respect to the independent Claims 28 and 40, the claims include limitations similar to those of claim 1. Accordingly, the modification of Firepad with Bachmann is improper.

Further, applicant asserts that pages 15-16 in Firepad disclose only providing web archive support. As noted there, web pages are prepared for storage on the device itself and must be stored on the device prior to selection of the link. However, applicant asserts that the excerpts from Firepad relied upon by the Examiner simply fail to suggest a technique “wherein selection of one of the links on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the wireless device” (emphasis added), as claimed by applicant.

In addition, Firepad further fails to teach or suggest a technique “wherein the user is allowed to access the web search service from the wireless device,” as claimed by applicant. Support for this limitation is found on p. 18, line 29 to p. 19, line 26.

With respect to dependent Claim 2, the Examiner has relied upon Fig. 3A, and Col. 8, lines 17-26 in Martin to make a prior art showing of applicant’s claimed technique “wherein the content is first aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device.”

Applicant respectfully asserts that the Figure and excerpt from Martin disclose that “the image representation associated with the mobile navigation metaphor 302 reflects enough of the details of what is depicted on the display screen of the mobile

device so that a user is provided with a similar navigation experience regardless of whether using the PC or the mobile device” (emphasis added). However, merely representing enough of the details simply fails to disclose a technique “wherein each view of the habitat represents content to be displayed in a particular view on the wireless device” (emphasis added), as claimed by applicant.

The Examiner has rejected Claims 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Firepad. With respect to independent Claim 36, the Examiner has argued “that it would have been obvious ... to include a navigation tree for switching between views.” Applicant respectfully asserts that the excerpts from Firepad simply fail to disclose a technique for “allowing linking from one window in one view to another window in another view using the navigation tree,” as claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.